

**BOARD OF APPEALS  
for  
MONTGOMERY COUNTY**

Stella B. Werner Council Office Building  
100 Maryland Avenue  
Rockville, Maryland 20850

[www.montgomerycountymd.gov/content/council/boa/index.asp](http://www.montgomerycountymd.gov/content/council/boa/index.asp)

(240) 777-6600

**Case No. S-2828**

**PETITION OF FAKHROZZAMAN NESVADERANI**

**RESOLUTION TO DISMISS PETITION AND REFUND FILING FEES**

(Resolution Adopted February 29, 2012)

(Effective Date of Resolution: April 19, 2012)

The Board of Appeals has received a letter, dated February 17, 2012, from Fakhrozzaman Nesvaderani. Ms. Nesvaderani states that “upon consulting the Montgomery County Department of Housing and Community Affairs, it has been determined that an accessory apartment designation for the property described above is not necessary. Accordingly, I am hereby withdrawing the application for an accessory apartment (Case No. S-2828 above.)” The Board also received a memorandum from Martin L Grossman, Director of the Office of Zoning and Administrative Hearings, returning the special exception record to the Board. A public hearing on the application was scheduled for March 22, 2012.

The subject property is Lot 80, Block R, Carderock Springs Subdivision, located at 8001 Thornley Court, Bethesda, Maryland 20817, in the R-200 Zone.

The Board of Appeals considered Ms. Nesvaderani’s letter and Mr. Grossman’s memorandum at its Worksession on February 29, 2012. Rule 1.6(d) of the Board of Appeals Rules of Procedure [Resolution Numbers 12-865 (Adopted October 27, 1992), 14-742 (Adopted January 30, 2001) and 15-554 (Adopted March 23, 2004)] gives the Board discretion to refund filing fees “if an action of the County Executive, County Council or an administrative board or agency resolves or moots the issues pending before the Board, whether or not the Board has held a public hearing.” Therefore, on motions by Carolyn J. Shawaker, seconded by Stanley B. Boyd, and by Stanley B. Boyd seconded by Carolyn J. Shawaker, with Walter S. Booth and David K. Perdue, Vice-Chair in agreement and Catherine G. Titus, Chair, necessarily absent:

**BE IT RESOLVED** by the Board of Appeals for Montgomery County, Maryland that Case No. S-2828, Petition of Fakhrozzaman Nesvaderani, is dismissed, as withdrawn; and

**BE IT FURTHER RESOLVED** by the Board of Appeals for Montgomery County, Maryland that \$220 shall be refunded to Fakhrozzaman Nesvaderani.

---

David K. Perdue  
Vice-Chair, Montgomery County Board of Appeals

Entered in the Opinion Book  
of the Board of Appeals for  
Montgomery County, Maryland  
this 19<sup>th</sup> day of April, 2012.

---

Katherine Freeman  
Executive Director

**NOTE:**

Any request for rehearing or reconsideration must be filed within fifteen (15) days after the date the Opinion is mailed and entered in the Opinion Book (See Section 59-A-4.63 of the County Code). Please see the Board's Rules of Procedure for specific instructions for requesting reconsideration.

Any decision by the County Board of Appeals may, within thirty (30) days after the decision is rendered, be appealed by any person aggrieved by the decision of the Board and a party to the proceeding before it, to the Circuit Court for Montgomery County, in accordance with the Maryland Rules of Procedure. It is each party's responsibility to participate in the Circuit Court action to protect their respective interests. In short, as a party you have a right to protect your interests in this matter by participating in the Circuit Court proceedings, and this right is unaffected by any participation by the County.